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NDULI TOWN COUNCIL			NDULI DORPSRAAD		
PN/Reg. No	Short Title	Extent of Repeal	PK No	Kort Titel	Omvang van Herroeping
R2602/1983	Streets and street collections	The whole	R2606/1983	Strate en straatkollekties	Die Geheel
R2607/1983	Second hand goods	The whole	R2607/1983	Tweedehandse goedere	Die Geheel
R2608/1983	Control over places of care	The whole	R2608/1983	Beheer oor versorgingsoorde	Die Geheel
R2609/1983	Control of burgeries	The whole	R2609/1983	Beheer van studiebeurse	Die Geheel
PN 455/1990	Control of cemeteries and crematoria	The whole	PK 455/1990	Beheer oor begraafplase en krematoria	Die Geheel
PN 453/1990	Control of dogs	The whole	PK 453/1990	Beheer van honde	Die Geheel
R1107/1984	Water supply	The whole	R1107/1984	Watervoorsiening	Die Geheel
R1253/1984	Control of slums	The whole	R1253/1984	Voorkoming van slums	Die Geheel
R1449/1984	Public swimming pools	The whole	R1449/1984	Openbare swembaddens	Die Geheel
R1450/1984	Community halls and recreation grounds	The whole	R1450/1984	Gemeenskapsale en ontspanningsterreine	Die Geheel
R1899/1984	Private swimming pools	The whole	R1899/1984	Beheer oor bou van privaat swembaddens	Die Geheel
R2231/1984	Electricity	The whole	R2231/1984	Elektrisiteit	Die Geheel
R1205/1985	Licensing of plumbers and drain layers	The whole	R1205/1985	Lisensiering van loodgieters en rioleërs	Die Geheel
PN 173/1989	Keeping of animals	In so far as it has been made applicable to Witzenberg Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998	PK 172/1989	Verhuring van persele	Die Geheel
PN 147/1989	Control of certain matters in a town	The Whole	PK 173/1989	Aanhou van diere	Vir sover dit van toepassing gemaak is op Witzenberg Munisipaliteit deur die magtiging vir die uitvoering van funksies en bevoegdhede in terme van artikel 84(3) van die Munisipale Struktuurwet, 1998.
PN 175/1989	Sanitation by-law	The Whole	PK 174/1989	Toesig oor sekere sake in 'n dorp	Die Geheel
PN 823/1989	Control in hostels	The Whole	PK 175/1989	Sanitasieverordening	Die Geheel
PN 111/1991	Public amenities	The Whole	PK 823/1989	Beheer in tehuise	Die Geheel
			PK 111/1991	Openbare geriewe	Die Geheel

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WITZENBERG MUNICIPALITY

BY-LAW RELATING TO ACCOMMODATION ESTABLISHMENTS

(2-2004)

Purpose of by-law

- To promote the achievement of a safe, and healthy environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the operation of accommodation establishments.

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

“accommodation establishment” means any premises in or upon which the business of providing lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals per day and has fewer than five beds or which provides no meals and has fewer than three rooms that are let or intended for letting;

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“occupier” in relation to any premises means and includes—

WITZENBERG MUNISIPALITEIT

VERORDENING INSAKE VERBLYFSONDERNEMINGS

(2-2004)

Doel van verordening

- Om die verwesenliking van 'n veilige, en gesonde omgewing tot voordeel van inwoners in die regsgebied van die munisipaliteit te bevorder;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die bedryf van verblyfsondernemings te reguleer.

Woordbepaling

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“besitter” die natuurlike persoon wat belas is met die bedryf van 'n verblyfsonderneming deur die verskaffing van losies of beide losies en maaltye vir beloning of wins en sluit die eienaar van sodanige eiendom in;

“bewoner” en sluit in—

- (i) enige persoon wat inderdaad die perseel bewoon;
- (ii) enige persoon wat wetlik geregtig is om die perseel te bewoon;
- (iii) enige persoon in beheer of bestuur van die perseel, insluitend die agent van enige sodanige persoon wanneer hy afwesig is uit die Republiek van Suid-Afrika of sy verblyfplek onbekend is;

“eienaar” en sluit in—

- (i) any person in actual occupation of the premises; or
- (ii) any person legally entitled to occupy the premises; or
- (iii) any person having charge or management of the premises and includes any agent of such person when he is absent from the Republic of South Africa or his whereabouts are unknown;

"overcrowding" means—

- (i) a residential occupancy in excess of twelve occupants per sanitary convenience; and/or
- (ii) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms, and sanitary conveniences) for sleeping purposes where such occupancy exceeds one adult person per 4 square meter and/or one child under 10 years of age per 2 square meter;

"owner" includes—

- (i) the person or persons in whom from time to time shall be vested the legal title to any immovable property;
- (ii) in any case where a property is subject to a registered lease, the lessee of such property;
- (iii) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator, assignee or administrator;
- (iv) in cases where the owner is absent, the agent or person receiving the rent of the property concerned;
- (v) in any case where the property is beneficially occupied under a servitude or right similar thereto, the occupier of such property;

"proprietor" in relation to an accommodation establishment, means the natural person who carries on or who is charged with carrying on of business by providing lodging or both lodging and meals for reward or gain and includes an owner of such property;

Requirements with which an accommodation establishment is to comply

2. (1) Every accommodation establishment shall comply with the following requirements—
 - (a) the premises shall comply with the provisions as laid down in the National Building Regulations;
 - (b) all furniture, linen, utensils, fittings and equipment provided by the proprietor shall be clean and in hygienic order and sufficient for the purpose thereof;
 - (c) it shall be provided with a sufficient number of refuse receptacles with close-fitting lids;
 - (d) an adequate number of bathrooms and toilets, suitably equipped, shall be provided on the premises;
 - (e) separate bathrooms and toilets shall be provided for male and female boarders and for employees, and shall be so located that they are easily accessible; provided, however, that where the number of boarders does not exceed twelve, separate facilities for different sexes need not be provided.
 - (f) baths, showers and washbasins on the premises shall be served with running hot and cold water at all times;

- (i) die persoon of persone in wie se naam die vaste eiendom van tyd tot tyd geregistreer is;
- (ii) in enige geval waar 'n eiendom aan 'n geregistreerde huurooreenkoms onderworpe is, die huurder daarvan;
- (iii) in die geval waar die persoon in wie se naam die eiendom geregistreer is insolvent is of afgestorwe is, of nie by sy volle verstand is nie of wie se boedel toegewys is vir die voordeel van sy krediteure, die persoon in wie die administrasie van die eiendom gevestig is as trustee, eksekuteur, kurator, gevolmagtigde of administrateur;
- (iv) waar die eienaar afwesig is, die agent of persoon wat die huur van die eiendom ontvang;
- (v) in enige geval waar die eiendom bewoon word deur serwituut of 'n soortgelyke reg, die bewoner van die eiendom.

"munisipaliteit" die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

"oorbewoon"

- (i) 'n residensiële besetting met meer as twaalf persone per sanitêre gerief; en/of
- (ii) bewoning van bewoonbare kamers (dit is alle kamers in 'n woning uitsluitend kombuis, badkamers en sanitêre geriewe) vir slaapdoeleindes waar sodanige bewoning een volwasse persoon per 4 vierkante meter en/of kind onder die ouderdom van 10 jaar per vierkante meter oorskry;

"verblyfsonderneming" enige perseel in of waar die besigheid van die verskaffing van losies met of sonder een of meer maaltye per dag voorsien word of bedoel om voorsien te word vir beloning of wins, maar sluit nie enige persele in wat regtens geregistreer is as 'n hotel ingevolge enige wetgewing wat betrekking het op die registrasie van hotelle, of wat losies verskaf met een of meer maaltye per dag en minder as vyf beddens beskikbaar het, of wat geen maaltye voorsien nie en minder as drie kamers het wat verhuur word of bedoel is om verhuur te word;

Vereistes waaraan 'n verblyfsonderneming moet voldoen

2. (1) Elke verblyfsonderneming moet aan die volgende vereistes voldoen:
 - (a) die geboue en perseel wat as verblyfsonderneming aangewend word moet aan die voorskrifte en bepalinge van die Nasionale Bouregulasies voldoen;
 - (b) alle meubels, linne, eetgerei, toebehore en toerusting wat deur die besitter verskaf word moet in 'n skoon en higiëniese toestand wees en moet voldoende wees vir die doel waarvoor dit verskaf word;
 - (c) daar moet voldoende vullishouers met digsluitende deksels voorsien word;
 - (d) 'n genoegsame aantal behoorlik toegeruste badkamers en toilette moet op die perseel voorsien word;
 - (e) afsonderlike badkamers en toilette moet vir manlike en vroulike loseers en vir werknemers voorsien word en moet so geplaas wees dat dit maklik toeganklik is vir diegene wie dit moet gebruik; met dien verstande dat waar die aantal loseers nie meer as twaalf beloop nie, afsonderlike geriewe vir verskillende geslagte nie nodig is nie;
 - (f) baddens, storte en wasbakke op die perseel moet ten alle tye van lopend warm en koue water voorsien word;

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- (g) if ten or more boarders can at any one time be lodged on the premises, it shall have—
 - (i) a suitable sitting room or rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders; and
 - (ii) where meals are provided, a suitable dining room or rooms which shall provide seating accommodation on the basis of not less than one square meter for each boarder;
- (h) where meals are provided or cooking takes place, an adequately equipped kitchen is to be provided;
- (2) The proprietor of an accommodation establishment shall, to the satisfaction of the municipality, at all times—
 - (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
 - (b) provide only wholesome food to the boarders and other persons on the premises;
- (3) The proprietor of an accommodation establishment shall not—
 - (a) allow any portion of the premises other than an approved bedroom to be used for purposes other than for sleeping purposes; provided that the aforesaid prohibition shall not apply to any boarder occupying a bedroom in so far it consists of a stoep or porch which has been suitably converted;
 - (b) conduct the business in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties;
 - (c) knowingly cause or permit any person suffering from a communicable disease to be employed in or on the premises unless he is in possession of a medical certificate to the effect that the said person is fit to continue his employment;
 - (d) permit cooking in a living room or any area designated as a living room;
 - (e) permit the premises to become overcrowded;
- (4) No person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto.
- (5) The proprietor of an accommodation establishment shall be responsible for due compliance with and observation of the provisions of this by-law, and shall be responsible for the acts, omissions and defaults of his employees or agents in such regard, and any breach of this by-law by any member of his family or by any of his employees or agents shall be deemed to be a breach by the proprietor personally of this by-law.

Penalty clause

- 2. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
 - (1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
 - (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
 - (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

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- (g) die perseel moet voorsien wees van 'n geskikte werf wat tot tevreedenheid van die munisipaliteit gedreineer is;
- (h) indien tien of meer loseerders op 'n gegewe tydstop op die perseel gehuisves word, moet dit—
 - (i) 'n geskikte sitkamer of sitkamers hê wat so gemeubileer is en van so 'n grootte is dat dit aan die redelike behoeftes van die loseerders voldoen; en
 - (ii) waar maaltye voorsien word 'n gepaste eetkamer of eetkamers he wat sitplek verskaf op die grondslag van nie minder nie as een (1) vierkante meter per loseerder;
- (i) waar maaltye voorsien word of kos gemaak word, moet 'n voldoende toegeruste kombuis voorsien word;
- (2) Die besitter van 'n verblyfsonderneming moet ten alle tye tot bevrediging van die munisipaliteit—
 - (a) die hele verblyfsonderneming in 'n skoon en higiëniese toestand hou;
 - (b) slegs voedsame kos aan die loseerders en ander persone op die perseel voorsien.
- (3) Die besitter van 'n verblyfsonderneming mag nie—
 - (a) toelaat dat enige deel van die perseel, anders as 'n goedgekeurde slaapkamer, deur enige persoon vir slaapdoeleindes gebruik word nie; met dien verstande dat die voorgaande beperking nie van toepassing sal wees op 'n loseerder wat 'n slaapkamer bewoon vir sover dit uit 'n veranda of stoep wat gepas omgeskakel is, bestaan nie;
 - (c) die besigheid op so 'n wyse bedryf dat dit enige oorlas of ongerief vir inwoners van aangrensende eiendomme veroorsaak nie;
 - (d) wetend toelaat dat enige persoon wat aan 'n oordraagbare siekte ly in of op die perseel in diens is nie tensy hy 'n mediese sertifikaat het wat staaf dat so 'n persoon geskik is om met sy werk te kan voortgaan;
 - (e) toelaat dat daar in 'n woonkamer of 'n gebied wat as woonkamer geoormerk is, gekook word nie;
 - (f) toelaat dat die perseel oorbewoon word nie.
- (4) Geen persoon mag 'n verblyfsonderneming bedryf nie tensy die perseel toepaslik gesoneer is ingevolge 'n toepaslike soneringskema nie.
- (5) Die besitter van 'n verblyfsonderneming sal verantwoordelik wees vir die behoorlike voldoening aan en die nakoming van die voorskrifte van hierdie verordening en sal voorts verantwoordelik wees vir die handelinge, versuime en nalate van sy werknemers of agente en enige oortreding deur enige ander lid van sy gesin of deur enige van sy werknemers of agente sal beskou word as 'n persoonlike oortreding van hierdie verordening deur die besitter.

Strafbepaling

- 2. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf van—
 - (1) 'n boete of gevangenisstraf, of óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;
 - (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, of óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
 - (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

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